

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRINA MUFFALETTO,

Plaintiff,

-against-

ADA P. SABOL and CHRISTOPH J. SABOL,

Defendants.

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RESPONSE TO
DEFENDANTS'
RULE 56.1 STATEMENT
OF PURPORTEDLY
UNDISPUTED FACTS

No.: 15-cv-5967 (PKC)

Plaintiff, TRINA MUFFALETTO, by her attorneys JONATHAN D'AGOSTINO & ASSOCIATES, PC., hereby responds to Defendants' Rule 56.1 Statement of Purported Undisputed Facts as follows:

OBJECTION TO STATEMENT OF PURPORTED UNDISPUTED FACTS

Defendant's Rule 56.1 Statement does not comply with Local Rule 56.1(d). Pursuant to the Rule, "each statement by the movant or opponent pursuant to Rule 56.1(a) and (b), including each statement controverting any statement of material fact, must be followed by a citation to evidence which would be admissible, set forth as required by Fed. R. Civ. P. 56(c)." Every paragraph of Defendant's Rule 56.1 Statement is unsupported by a citation to admissible evidence.

It is well settled that where there are no citation or where the cited material does not support the factual assertions in the Statement, the Court is free to disregard the assertion. Holtz v. Rockefeller & Co., Inc., 258 F.3d 62 (2001); Hill v. Marino, 2014 WL 4245546 (2014).

As Defendants' have not complied with FRCP R. 56.1, their submission should be disregarded.

RESPONSE TO STATEMENT OF PURPORTED UNDISPUTED MATERIAL FACTS

1. On May 16, 2014, Trina Muffaletto resided at 262 Wilson Avenue, Staten Island, New York 10308.

Response: Denied. On the date of the accident, Plaintiff resided at 11 Stalie Court, Staten Island, New York 10309. (Summons and Complaint; Plaintiff's EBT transcript page 6.)

2. On May 16, 2014 Christopher J. Sabol resided at 6 Kings Court, Marlboro, New Jersey 07746.

Response: Accepted.

3. The plaintiff, Trina Muffaletto was operating a 2004 Toyota with New York license plate AFC3199 on May 16, 2014 on Hylan Boulevard in Staten Island, New York at approximately 8:05 p.m.

Response: Accepted.

4. On May 16, 2014 Christopher Sabol was operating a 2007 Mazda with New Jersey license plate VLS806 at the aforesaid time and place with the knowledge and consent of its owner Ada P. Sabol.

Response: Accepted.

5. There was contact between the vehicle operated by Christopher Sabol and the vehicle operated by Trina Muffaletto on May 16, 2014.

Response: Accepted.

6. There was no damage to the Sabol vehicle as a result of the contact.

Response: Denied. Defendant Sobel testified that there was damage to the license plate of his vehicle. (Defendant's transcript page 38.)

7. A bus cut off the Muffaletto vehicle prior to the contact between the Muffaletto vehicle and the Sabol vehicle.

Response: Denied. Plaintiff testified that the car in front of her stopped because a bus pulled out of the bus stop. The car in front of her stopped and she stopped. (Plaintiff's transcript pages 17; 22.)

8. Plaintiff had no bleeding or bruising as a result of the contact.

Response: Accepted.

9. Plaintiff had no fractures or scarring as a result of the contact.

Response: Accepted.

DATED: Staten Island, New York
October 18, 2016

Yours, etc.,



JACQUELINE E. HOWE, ESQ.
JONATHAN D'AGOSTINO & ASSOCIATES, PC.

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